

1 STATE OF MINNESOTA DISTRICT COURT

2 COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

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4 The State of Minnesota,

5 by Hubert H. Humphrey, III,

6 its attorney general,

7 and

8 Blue Cross and Blue Shield

9 of Minnesota,

10 Plaintiffs,

11 vs. File No. C1-94-8565

12 Philip Morris Incorporated, R.J.

13 Reynolds Tobacco Company, Brown &

14 Williamson Tobacco Corporation,

15 B.A.T. Industries P.L.C., Lorillard

16 Tobacco Company, The American

17 Tobacco Company, Liggett Group, Inc.,

18 The Council for Tobacco Research-U.S.A.,

19 Inc., and The Tobacco Institute, Inc.,

20 Defendants.

21 - - - - -

22

23 DEPOSITION OF ALAN RODGMAN

24 Volume III, Pages 468 - 520

25

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1 (The following is the continued deposition
2 of ALAN RODGMAN, taken pursuant to Notice of Taking
3 Deposition, by videotape, at the offices of Womble
4 Carlyle Sandridge & Rice, Attorneys at Law, 200 West
5 Second Street, 1600 BB&T Financial Center,
6 Winston-Salem, North Carolina, on June 13, 1997,
7 commencing at approximately 3:58 o'clock p.m.)

8

9 APPEARANCES:

10

11 On Behalf of Plaintiffs Arch in Civil No.
12 96-5903-CN and Plaintiffs Perry in Civil No.
13 2-473-95:

14 J. D. Lee
15 Lee Lee & Lee
16 422 Gay Street
17 Knoxville, Tennessee 37902

18

19 On Behalf of R.J. Reynolds Tobacco Company:

20 Marilyn R. Forbes
21 Womble Carlyle Sandridge & Rice
22 Suite 2100
23 150 Fayetteville Street Mall
24 Post Office Box 831
25 Raleigh, North Carolina 27602

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1 On Behalf of The Council for Tobacco
2 Research-U.S.A., Inc.

3 Harry Zirlin
4 Debevoise & Plimpton
5 875 Third Avenue
6 New York, New York 10022

7

8 On Behalf of Lorillard Tobacco Company in Civil
9 No. 2-473-95:

10 Marcia Meredith Eason
11 Miller & Martin
12 Suite 1000, Volunteer Building
13 832 Georgia Avenue
14 Chattanooga, Tennessee 37402

15

16 On Behalf of the Witness:

17 William A. Blancato
18 Bennett & Blancato, LLP
19 3334 Healy Drive, Suite 203
20 Winston-Salem, North Carolina 27103-1476

21

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1 I N D E X

2 EXHIBITS DESCRIPTION PAGE MARKED

3 Rodgman 4 "The Health Consequences
4 Of Smoking," a report of
5 the Surgeon General, 1982,
6 2 pages

472

7
8
9
10 (Reporter's Note: Also attached to the deposition
11 transcript, per agreement of counsel, are
12 confidentiality agreements executed by Ms. Eason,
13 Mr. LaBorde, Mr. Rodgman, Mr. Zirlin, Mr. Blancato
14 and Mr. Pierson.)

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1 P R O C E E D I N G S.

2 (Witness previously sworn.)

3 (Rodgman Exhibit 4 was marked
4 for identification.)

5 MS. FORBES: Marilyn Forbes, appearing on
6 behalf of R.J. Reynolds Tobacco Company.

7 This deposition is now proceeding in the Arch
8 matter. Mr. Lee and I have discussed off the record
9 whether this should be a continuation or a separate
10 volume. We have agreed that we disagree. It's going
11 to be marked as Volume III in Minnesota.

12 Let me note for the record that this is a
13 federal case pending in -- in Pennsylvania. It was
14 clear from yesterday's transcript that Mr. O'Fallon
15 was not willing to be bound by some of the objection
16 provisions for Arch. I think for clarity of the
17 record, this is now proceeding under Arch. Arch has
18 protective orders and confidentiality agreements in
19 place which require that people that are present at
20 depositions to be bound by the Arch orders rather
21 than Minnesota; therefore, it is my position and
22 RJR's position that this transcript is not available
23 to Minnesota with -- Minnesota parties without being
24 bound by the Arch orders.

25 MR. LEE: Ready?

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1 ALAN RODGMAN

2 called as a witness, being previously
3 sworn, was examined and testified
4 as follows:

5 ADVERSE EXAMINATION (cont'd)

6 BY MR. LEE:

7 Q. Dr. Rodgman, I couldn't help but notice earlier
8 you mentioned Dr. Alton Oschner of New Orleans. He
9 was and continued to be from at least the mid-'30s
10 until the time of his death in the early '60s a very
11 strong proponent that cigarette smoking caused lung
12 cancer, did he not? He was a thoracic surgeon.

13 A. Yes, he did, and of course the numerous articles
14 that he wrote, those were the opinion -- that was the
15 opinion he expressed in three books that he wrote and
16 many articles. The only problem was his clinical
17 data from his clinic written by him and Oschner and
18 Hatch and so on did not agree with his opinion. And
19 so -- and if you put his works in chronolo -- in
20 chronological order, what you have is opinion,
21 clinical data opposite; opinion, yes; clinical data,
22 no. And this went on for about ten years, and I
23 think that's the reason his clinical data are all
24 excluded from three Surgeon General's reports.

25 Q. Well you've certainly never cited Alton Oschner

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1 for your proposition that cigarette smoke does not
2 cause diseases in human beings, have you?

3 MS. FORBES: Objection to the form.

4 A. Thinking back, I don't remember whether I did or
5 not, Mr. Lee.

6 Q. In fact, Alton Oschner's well known for a very
7 vocal 1945 speech that he made at Duke University
8 relative to lung cancer and cigarette smoking, is he
9 not?

10 A. Well I'd say for -- until he got into the
11 clinical work in the late '40s, early '50s, he was
12 very vocal.

13 Q. That is, vocal on the proposition that cigarette
14 smoking does cause lung cancer and other human
15 diseases?

16 A. Yes, he was.

17 Q. Before we get into some of the substantive
18 matters and we're continuing as we've done in these
19 past couple of days in -- in this deposition talking
20 about matters and I'll try not to repeat anything
21 we've done in these two days, but let me develop a
22 little more about the documents that you have. We
23 have here in two boxes a lot of the RDMs and RDRs.
24 What's the difference in those two? RDM, is that
25 research department memorandum?

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1 A. Yes, and the other's a research department
2 report. And the difference mainly is in -- an RDR
3 usually was much more detailed and a fairly large
4 product -- project. An RDM might be something that
5 was a smaller project and was not -- it might be a
6 meeting report and didn't -- wasn't subject to the
7 very picky rules that we had for writing a research
8 department report.

9 Q. But an RDR, the two reports that -- that
10 Mr. O'Fallon put in, the 1962 RDR that came in today
11 was a very thorough one. It was 121 citations.

12 A. That was -- they were both RDMs.

13 Q. Right. Oh, they were RDMs?

14 A. No. They were submitted to be RDMs. They were
15 never issued.

16 Q. Okay. Now, these two boxes, and then you have
17 the other, is it fair to say, three and a half to
18 four boxes?

19 A. Something, yeah, three and a half, four.

20 Q. Tell me about them. Will they be in the same
21 format as -- as these are from the standpoint of
22 being shelved in your library shelves?

23 A. Yes. Some of them are -- is -- probably the
24 equivalent of one whole box is dangling, hanging
25 folders.

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1 Q. Uh-huh.

2 A. And the other two, two and a half boxes are in
3 book form, and of course some of them are -- one of
4 them -- two of them, for example, are my -- a list of
5 my pub -- a collection of my publications, and then
6 there's an index for the '64 Surgeon General's report
7 that they had not included in that and I indexed it
8 for my own personal use and so on, so forth, but
9 they're pretty well in that format.

10 Q. Do you have any other Surgeon General's reports
11 at -- at home?

12 A. Oh, the '64, '79, '81, '82, '83, '84, '86.

13 Q. '88, the one on addiction?

14 A. I don't know whether I have that or not. I've
15 gone up to Reynolds' library and read some of it.

16 Q. Well the Reynolds library is a very thorough
17 library, is it not?

18 A. Yes.

19 Q. In fact, Dr. DiMarco was mentioned, and during
20 his tenure, he was head of the library, was he not,
21 or it came under his department?

22 A. Right. He was a vice president of R&D, so
23 everything in R&D came under him.

24 Q. And in fact he came in in 1982, did he not, as a
25 vice president of R&D maybe?

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1 A. Yes, he did.

2 Q. I know in the reports that you put in here
3 yesterday was a memorandum from you and others to him
4 dated 1982, and I probably assume that was when he
5 first came with RJR?

6 A. Yes, there -- I think there were some things he
7 asked, for example, that sort of an educational way
8 to be brought up to speed when he came in in '82. I
9 think it was '82 he came in. Yeah, late '82,
10 something like that.

11 Q. Yeah. That was dated 1982. It's my
12 understanding that he came with RJR in 1982 maybe.

13 A. Right.

14 Q. In fact, that same year he went on the CTR, The
15 Council for Tobacco Research, as a representative of
16 RJR. Do you remember that?

17 A. No, I don't. I didn't know who was on that
18 board from Reynolds.

19 Q. Now so the boxes would contain that, and are
20 they -- you mentioned that they were in the -- in
21 your garage.

22 A. No.

23 Q. No.

24 MS. FORBES: Objection to form.

25 Q. In --

1 A. In sort of an office that I have --

2 Q. Okay.

3 A. -- down in the basement.

4 Q. Okay. That was it, in the basement. And
5 subject to -- to certainly people coming through
6 and -- and seeing them and you referring them to
7 people, you don't consider them secret or anything,
8 do you?

9 MS. FORBES: Objection to the form.

10 MR. BLANCATO: Objection.

11 A. The only ones that I show are the ones that are
12 already up in the Reynolds library, and I very seldom
13 show those. People might phone me and say, "Hey, did
14 you do so-and-so?" And they can't find it up in the
15 library and I'll give them the references or tell
16 them what I did and so on, so forth.

17 Q. Well the --

18 A. Nobody has come through there and looked at my
19 books.

20 Q. The Reynolds library would have the RDR and RDMs
21 in it, would they not?

22 A. Yes, they do, and they have them on microfilm.
23 And they may have hard copies, I don't know, but if
24 you've ever tried to sit down and read a microfilm,
25 it's pretty tough.

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1 Q. Well the RJR library has a very sophisticated
2 and have had even dating back since Dr. DiMarco came
3 in 1982 a sophisticated computer and computer data
4 system, do they not?

5 MS. FORBES: Objection to the form.

6 MR. LEE: Let me rephrase.

7 Q. You tell us about the RJR's library and
8 computerized data system that they have.

9 A. I don't know that much about it. It was started
10 to be put in in the early '80s, and eventually -- in
11 fact it was after I left, I believe, they began to
12 hook it into the people's computers at their desk,
13 but by the time I left, it was just starting. I
14 never was hooked up to the library.

15 Q. What person is in the position of Dr. DiMarco?
16 Who is head of --

17 A. Dr. Gary Burger is now the head of or vice
18 president of R&D.

19 Q. Okay. He --

20 A. B-u-r-g-e-r.

21 Q. Harry, H-a-r-r-y?

22 A. Gary.

23 Q. Gary.

24 A. G-a-r-y.

25 Q. Dr. Gary Burger.

1 A. Right. He just got that job a little while
2 ago.

3 Q. Well, the RDRs and RDMS such as the ones that
4 you prepared go on computer disk, do they not?

5 MS. FORBES: Objection to the form.

6 A. I don't know whether they're on there. I assume
7 they're on there. I don't know. I've never pulled
8 them up.

9 Q. Part of our subpoena included any kind of
10 computer disk or -- I forget just how it was phrased,
11 but any kind of computerized status as to all
12 documents, computer data or disk. So to what extent
13 that those are computerized, you don't know then?

14 A. No, I don't.

15 Q. Did you ever use the computer before you left
16 RJR to call up material?

17 A. No, I never did. I still don't.

18 Q. You --

19 A. I don't -- I don't understand their system,
20 so --

21 Q. Did you have an assistant, someone under you,
22 that was versed in the computer system?

23 A. Well I had people under me who were versed in
24 the system because they were the people who developed
25 it, but they didn't report directly to me, and my

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1 secretary, for example, didn't do it.

2 Q. Well how did you arrive at the boxes to bring
3 with you, these two boxes that we have with us?

4 A. Those are all the reports I wrote on the
5 research I did --

6 Q. Okay.

7 A. -- from 1954 to 19 -- 1976, and actually the
8 1976 one was just a -- it wasn't actually research I
9 did. It was a combination of some very little
10 reports that there were, I don't know, 25, 30 of
11 them, and I thought, well, rather than have them
12 littered all over the place, I pulled them together
13 as -- as an RDM or R -- RDM, yes, and thought well
14 here's all this information on the same topic in one
15 place, and that's why I did that.

16 Q. And so if should it have occurred that -- that
17 RJR has computerized your writings and your RDMs and
18 RDRs, then the ones both before you and after you
19 could very well be on likewise computer disk data,
20 could they not?

21 MS. FORBES: Objection to the form. He's
22 already testified that he doesn't know what they did
23 computer-wise post his departure.

24 A. I assume they're in the system, but I don't know
25 and I don't have it.

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1 Q. Okay. Now tell me more about, though, the --
2 how you arrived at the ones not to bring. Did --
3 tell me who all has seen them. I know, of course,
4 Mr. Blancato has -- Blancato has.

5 MR. BLANCATO: Well and I'll -- I think I
6 want to interpose an objection. I mean, it's a
7 process of consultation with his counsel, and
8 basically it was easy to identify these books as
9 non-privileged so they were brought. The other items
10 were not so easily identified. There were some
11 things that were quickly seen to be clearly
12 privileged, some things that, you know, needed some
13 more study, and we just didn't have the time to go
14 through them, so we brought what we felt was clearly
15 not privileged and felt we just needed time to go
16 through the rest of it. There's no particular
17 science to it other than just to look at it and say,
18 "Gosh, this could have privileged stuff in here, we
19 need to look through it, and this stuff doesn't so it
20 can go."

21 And it wasn't so much a decision of Dr. Rodgman
22 but Dr. Rodgman's counsel in consultation with those
23 who represent the party who may assert the privilege
24 in these documents.

25 BY MR. LEE:

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1 Q. Well you told us yesterday that your son
2 declined to represent you. What was his name?

3 A. Paul.

4 Q. Paul. And you have Mr. Blancato representing
5 you. He's the only one of the lawyers that's been
6 here these past two days that represented you, is he
7 not? That is --

8 A. That's right.

9 Q. So Bob McDermott never did?

10 A. No.

11 Q. Did he see the books that are at the house with
12 you; that is, the boxes, the other stuff?

13 A. Well they -- they were sitting here. I mean, he
14 saw the boxes.

15 Q. Right. Okay. So --

16 A. So far nobody has actually gone through them.

17 Q. So what did Bob McDermott talk to you about?

18 MS. FORBES: Objection to the form.

19 MR. BLANCATO: Objection.

20 MS. FORBES: It's privileged.

21 Q. Well did you talk to Bob McDermott at your house
22 after you were noticed for your deposition?

23 A. No. He's never been to my house.

24 Q. Okay. It was at Womble Carlyle then, or where
25 were the boxes when you talked to him?

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1 MS. FORBES: Objection to the form.

2 A. I've never talked to Bob McDermott about those

3 boxes.

4 Q. Oh, okay. All right. That's what I was

5 asking. How about Paul Crist?

6 A. No, not Paul Crist either.

7 Q. And Mark Holon?

8 A. Holton.

9 Q. Holton.

10 A. I really haven't talked to him about them. They

11 were sitting down in a room there near -- in his

12 office.

13 Q. No one kept any copies of them other than what

14 we've talked about, that we know that Reynolds has

15 them and the library has them?

16 A. Which -- which are you talking about?

17 Q. Of any of the copies that you have or any of the

18 originals that you have at your home.

19 A. Well I have things at home that I've done for

20 Womble Carlyle that are not in the Reynolds library

21 and Reynolds has never seen it.

22 Q. Okay. Now how far along are you with your

23 listing? About how much do you -- like on getting

24 them listed out?

25 A. Oh.

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1 MS. FORBES: Do you know?

2 A. I shouldn't have done it, but I went -- when
3 we -- Mr. Blancato tried to arrange this with what's
4 her name, Mrs. Knisely, Ms. Knisely?

5 Q. Yes.

6 A. And my wife was out playing bridge and I --
7 there was no ball game on, so I actually started last
8 night. And I may be two-thirds of the way through.

9 Q. Okay.

10 A. The only -- the ones I've got left are very
11 complicated because I've got one marked personal and
12 I'm not sure you are interested in the fact that I
13 was a candidate for the Philip Morris Prize or I won
14 a Sertoma award and there's the recommendation and
15 here's my appraisal for -- performance appraisals for
16 seven -- several years and so on, so forth.

17 Q. No, that's part of your resume or the -- or your
18 CV that --

19 A. Well I brought these all in, and of course now
20 I've taken them back home because I wasn't sure
21 frankly, sir, what the heck you folks wanted.

22 Q. Well, it's obvious that you're well trained as
23 a -- as a chemist and as a research chemist, holding
24 your Ph.D. We're now more than 40 years, what 44
25 years I guess, isn't it?

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1 A. '53 I got it, yes.

2 Q. You've held a Ph.D. for 53 years?

3 A. 43 years.

4 Q. 43, I'm sorry. That's what I indicated, 43
5 years. All right.

6 Now you've not made any other depositions other
7 than the one that you did relative to some trade
8 dispute that RJR had with another company?

9 A. After that was pointed out, then I wasn't asked
10 any more questions. I had been in another deposition
11 with Philip Morris about a trade dispute.

12 Q. Similar situation?

13 A. Similar situation.

14 Q. Yeah. How long ago was that? It was while you
15 were with Reynolds, so it was before '87?

16 A. Yeah. One of them was -- American was, I don't
17 know, '82, '83; I've forgotten the exact date. And
18 Philip Morris was -- I'm sorry. Well, that's
19 probably right. It was about a year or two later.
20 They were both in the early '80s. I've forgotten
21 what they are. They're in my diaries that somebody's
22 collected.

23 Q. How about just formal statements, either an
24 affidavit or a written statement? Have you ever done
25 any of those to any federal agencies, the Federal

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1 Drug Administration?

2 A. No.

3 Q. Or the FBI?

4 A. No.

5 Q. Or the RJR? Have you done any for RJR, a sworn
6 statement, other than the one you sent Minnesota?

7 A. Not that I remember.

8 Q. Now, before you came with RJR in 1954, you were
9 well versed in the -- not only the biological
10 activities of compounds -- and when we talk about
11 biological activities, what do you mean as a chemist
12 when we -- when a layperson, such as myself, talks
13 about biological activity?

14 MS. FORBES: Objection to the form.

15 A. Well biological activity can be a very great
16 number of things. After all, when you smell
17 something, that's a biological activity. When you
18 taste something, that's biological activity. And of
19 course we -- I think what you're after is that there
20 are things that are -- cause tumors in mice and
21 mutagenicity and this kind of thing.

22 Q. And tumors and cancer lesions on mice?

23 A. Well a cancer lesion is a tumor, sir.

24 Q. Okay. And cancer or lesions that are cancerous
25 on human beings would be a biological activity,

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1 wouldn't it?

2 A. That's right, sir.

3 Q. So before you came with Reynolds in 1954, you
4 had quite a bit of experience in biological activity
5 or compounds that causes cancer, did you not?

6 A. That causes tumors on animals, right.

7 Q. And tumors on animals, carcinogenic or cancerous
8 tumors on animals?

9 A. Well --

10 MS. FORBES: Objection to form.

11 A. -- the tumor is cancerous.

12 Q. Well you can have a benign tumor, can you not?

13 A. Well yes, you're right. That's right.

14 Q. And benign means, just like it sounds,
15 noncancerous?

16 A. Well unfortunately the way the term has been
17 modified by some people, they call a carcinogen
18 something that causes a benign tumor, which is
19 totally incorrect.

20 Q. Right. If we think of a carcinogen as one that
21 is cancerous or a carcinoma-producing compound --

22 A. Right.

23 Q. -- and -- and again it was in the field of
24 chemistry that RJR was interested in you and your
25 experience and your training in chemistry, wasn't

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1 it?

2 A. That's right, sir.

3 Q. You talked about the tumorigenic compounds,
4 polycyclic hydrocarbons and nitrom -- nitrosamines
5 that you'd had experience with before 1954.

6 A. That's right.

7 Q. In fact, you'd had quite a bit of experience
8 with it, hadn't you?

9 A. That's right.

10 Q. Who was it --

11 And you may have told us yesterday, but I don't
12 remember. Who was it that you did first interview
13 with at Reynolds?

14 A. Dr. Senkus.

15 Q. Dr. Senkus, okay.

16 A. He's a fellow Canadian.

17 Q. Okay. And he was a gentleman that -- his title
18 would have been what?

19 A. He was manager of the chemical research
20 division.

21 Q. Okay. So when you mentioned that book, why that
22 book was the 1982 Surgeon General's report that we
23 have -- I've referred to, and that's already marked
24 as Exhibit -- Exhibit 4.

25 MR. LEE: Could we have the camera on

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1 the --

2 Q. Do you recognize that as the -- oh, the front
3 sheet and then --

4 A. Yes.

5 Q. -- the page a chart out of the Surgeon General's
6 report, do you?

7 A. That's right.

8 MR. LEE: I offer it as Exhibit 4, and let
9 me just move this one out of the way. Could we have
10 the camera on that and let Dr. Rodgman mark on it his
11 year of coming with RJR.

12 Q. Here's a pencil. What I want you to do is mark
13 on both the upper one and the lower one. Just the --
14 draw through the year 1954 on that chart.

15 A. There would be a line someplace about there. Is
16 that what you're looking --

17 Q. Yeah, really put it here on this chart coming up
18 through here and then the same one on -- yeah well
19 down here for the one on women.

20 A. Okay.

21 Q. All right. Now, and when you've reviewed these
22 reports and you say that you have that one in your --
23 in your library at home, 1954 is when cancer of the
24 lung, for instance, started really a escalation climb
25 in males, did it not?

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1 MS. FORBES: Objection to the form.

2 A. Well if you look, follow that curve back, it was
3 increasing from 1930 on.

4 Q. It -- it started really -- in fact they pretty
5 well started in 1930.

6 A. Well that's not true either, sir.

7 Q. No, they were -- they had cancer before 1930.

8 A. In 1912 a man called Adler put together a book
9 with all the reported cases of lung cancer he could
10 find in the literature, and there were 374 of them,
11 which wouldn't even show up on this thing.

12 Q. Well the 1930s is when we started getting
13 indications, did we not, of cancer from cigarette
14 smoking following World War I?

15 MS. FORBES: Objection to the form.

16 A. I don't know that.

17 Q. But 1954 when you say you came with RJR and that
18 you -- one of your duties was assisting or working
19 with lawyers in the smoking-health problem -- I
20 believe that's the way you termed it.

21 A. Right.

22 Q. 1954 was also the first year that a cigarette
23 case was filed against RJR, Cooper versus RJR. Do
24 you remember that case?

25 A. Vaguely. I wasn't really involved in that

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1 case.

2 Q. And Pritchard was also filed that year, but --

3 A. That was against somebody else, wasn't it?

4 Q. That was against Liggett. I'm not sure. It

5 was --

6 A. American?

7 Q. It was one of the three that you refer to, but I

8 believe it was -- page 13. The style of it was

9 Pritchard versus Liggett & Myers. I didn't know

10 whether RJR was involved in it or not.

11 A. Okay.

12 Q. But Lartigue was --

13 A. Lartigue was Liggett Myers and Reynolds.

14 Q. Lartigue was against Reynolds?

15 A. And Liggett & Myers.

16 Q. Okay. And Cooper versus RJR, as you say, you

17 remember it vaguely, but you don't think that you

18 consulted with the attorneys at RJR on Cooper?

19 A. I may have provided them information that they

20 used in Cooper, but I was never physically involved

21 with the Cooper case like I was with the Lartigue

22 case.

23 Q. Well what --

24 Whatever attorneys that you talked to, you gave

25 them the benefit of the knowledge that you had that

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1 you'd acquired before even coming to RJR, did you
2 not?

3 MS. FORBES: Objection to the form.

4 A. I gave them my -- my knowledge of what I had
5 collected on the smoking-and-health issues, and of
6 course one of the things that I think is deceptive
7 about this curve, you said, well, this started back
8 in 1930 from cigarette smoking after World War I. If
9 you want to relate cigarette smoking with lung cancer
10 incidence, that's the premise that Alton Oschner had
11 used, that there was a parallelism between cigarette
12 smoking and the lung cancer increase with a 20-year
13 differential between them. You can get the same kind
14 of curve with asphalt roads, exhaust gas from cars,
15 heating in houses and so on and so forth.

16 MR. LEE: Could we go back on the chart.
17 He was pointing to it. Could we just go back to the
18 chart and -- all right.

19 Q. And so you're saying that --

20 You're saying that you started working in 1954
21 with attorneys on the smoking-health problem?

22 A. Right.

23 MS. FORBES: Objection, asked and
24 answered.

25 Q. But you also worked on trying to design a

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1 less-hazardous cigarette, did you not?

2 A. Not in 1954.

3 Q. Well, you knew when Dr. Senkus employed you that
4 you were going to be working both with the law
5 department and the --

6 A. I did -- I did not, sir.

7 Q. You --

8 MS. FORBES: Objection to form.

9 Q. -- did not?

10 A. No.

11 Q. Okay. After you came on June the 23rd, 1954 --

12 A. Right.

13 Q. -- when did you first then learn about Cooper
14 versus RJR case?

15 A. In the fall of 1954, sometime in October, I was
16 asked to write some things for the legal department,
17 law department, and then I was asked, because of my
18 background, would I help in the collection and
19 critiquing, analysis of smoking-and-health
20 information. Well the first thing I had to do was
21 back up and collect many years of the background, and
22 in '54, '55 I did that plus my laboratory work, and I
23 couldn't really tell you whenever I learned about
24 Cooper. It may have been '55, '56. I do not know.
25 Q. Well --

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1 A. I don't remember, but to give you one thing, I
2 was not hired -- nobody mentioned on my interview,
3 "Boy, here's a man who's an expert on various
4 tumor-causing materials." I -- all they were
5 interested in was the fact that I was a chemist who
6 knew how to do certain chemical things based on my
7 two theses, my master's and my Ph.D.

8 Q. Well the fact, though, that before you came in
9 1954 that there has -- had been even up until then
10 several articles written relative to the smoking-lung
11 cancer health hazard, had there not?

12 A. Yes, the --

13 MS. FORBES: Objection to form.

14 A. The -- some of them I learned about after I
15 started my collection thing for the lawyers.

16 Q. In fact, on RDM 1962, Number 4, the Exhibit
17 1061, I notice that you cited five articles that were
18 pre-1954 in -- in that 121-page bibliography.

19 A. Well the only one I knew about before I came to
20 Reynolds was the one that was published in 1953, the
21 generation of tumors in mice painted with smoke
22 condensate, because it was along the line of
23 something I was doing at the Banting and Best
24 Department of Medical Research, because I was working
25 with a tar and I think, if you remember, I developed

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1 a polycyclic process to analyze that tar. And when I
2 saw this thing about cigarette tar and I knew there
3 was a controversy about were they polycyclics present
4 or were they not, so the only one I really knew about
5 was the 1950 thing by Wynder, Graham and Croninger.

6 Q. Well you cite Pearl's "Tobacco Smoke and
7 Longevity," cite 64, written in "Science" in 1938.

8 A. That was another one I -- sir, that -- I think
9 you're missing the point. I collected these. If you
10 know anything about the scientific method, one of the
11 first things you do when you write a report or start
12 a project is to go back and say, "What is in the
13 literature?" And then you find out where you are in
14 a point in time and then you design experiments or
15 projects to proceed from there to where you want to
16 go. Then you do the experiments, and then when the
17 experiments are either successful or not, if they're
18 not, you redo the planning.

19 But to say, you know, I knew about these or used
20 them, I learned about most of them prior to 1954 by
21 doing this literature collection. The only one I
22 knew about really was Wynder, Graham and Croninger in
23 1953.

24 Q. And when you consulted with attorneys, you'd
25 give them the benefit of what you knew of those

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1 writings, would you not?

2 A. Which writing, the ones I collected?

3 MR. BLANCATO: Wait, wait, wait, wait.

4 Q. Yeah. When you -- when you --

5 Starting in 1954 that you dealt with the law
6 department, consulting with RJR's attorneys, then you
7 would give them the benefit of all of the writings
8 that you would gather up and knew about, would you
9 not?

10 A. Well --

11 MR. BLANCATO: Well objection. Wait,
12 wait. I think this may go into attorney-client
13 privilege. If Dr. Rodgman is doing work for
14 attorneys at Reynolds for -- that seems to me to be
15 privileged information, and the fact that he did work
16 is not privileged, but the fact of what he told them
17 is. And I think Dr. Rodgman is not authorized to
18 waive the privilege that Reynolds may have in that
19 information.

20 MS. FORBES: Mr. Lee, as we discussed
21 earlier in this deposition, he was -- will categorize
22 it or discuss generally what he did, but the
23 specifics he will not. So if you've got a specific
24 question about the document, that's appropriate, but
25 otherwise let's move on.

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1 Q. Well the article that you -- that we've talked
2 about quite a bit, the critical and objective
3 appraisal of the smoking-and-health problem that
4 you -- that was introduced and the first one that's
5 in -- the first one that came in through Mr. O'Fallon
6 yesterday, the one that ends up being 1963, Number
7 1 -- you know what I'm talking about here?

8 A. Right.

9 Q. Who is KHH?

10 A. He used to be the director of research.

11 Q. Okay. And what's his name?

12 A. Kenneth H. Hoover, H-o-o-v-e-r.

13 Q. Kenneth H. Hoover?

14 A. Right.

15 MR. LEE: Could we have the camera on this
16 one right here, please. Okay.

17 Q. In the upper part of it, it's got "Voided by
18 KHH." That's Kenneth H. Hooper?

19 A. Hoover.

20 Q. Hoover, Hoover.

21 A. Right, H-o-o-v-e-r.

22 Q. What does that mean? What does --

23 A. Well, when you wrote an RDR or an RDM, it went
24 to your manager. It went to -- then if the manager
25 approved it, it went to the director of research.

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1 Q. Uh-huh.

2 A. And if the director of research approved it, it
3 was distributed to the number of people that were
4 listed on the distribution list, and Mr. Hoover did
5 not approve this report.

6 Q. Okay. And that is, when you say voided, --

7 A. In other --

8 Q. -- signed by him, that's just like it sounds,
9 isn't it?

10 A. Right.

11 MS. FORBES: Objection to form.

12 A. This was the same thing.

13 Q. And then -- yeah, and same voided by Kenneth H.
14 Hoover on this one.

15 A. Right.

16 Q. Which also means of all the recommendations that
17 you had made and all of the documentations relative
18 to help -- help RJR in the design of a less-hazardous
19 cigarette would be voided, would it not?

20 MS. FORBES: Objection. That is absolutely
21 a gross mischaracterization of his testimony.

22 A. I --

23 Q. Well --

24 MS. FORBES: Objection to form. Is there a
25 question, Mr. Lee?

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1 MR. LEE: All right. The -- yeah, let me
2 develop it a little more then.

3 Q. The -- and we're asking and we are going to be
4 furnished both of these boxes, copies, and --

5 A. Right.

6 Q. -- so I won't attempt to put these in just now,
7 but the RDM, 1963, is listed as Number 4, and that's
8 the one we're talking about here that's voided.

9 A. Yes.

10 Q. And the other one is RDM, 1962, Number 1, is it
11 not, over here?

12 A. It's Number 3. '63, Number 1.

13 Q. Number --

14 1963, Number 1?

15 A. Right.

16 Q. Right. And it is also voided?

17 A. Yeah. The report is voided, not the ideas in
18 it.

19 Q. Well you brought the idea up again later, did
20 you not, trying to get them to do research?

21 A. Well we had been doing research. What kind of
22 research are you talking about?

23 Q. Animal -- well the recommendations that you
24 made, you didn't -- they didn't follow your
25 recommendations, did they?

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1 MS. FORBES: Objection, Mr. Lee. We've
2 spent two days talking through documents that had
3 been produced that summarize the research of R.J.
4 Reynolds over the years. That is not his testimony.
5 It is not correct. If you've got a question, ask him
6 the question.

7 MR. LEE: Well it's never come out that --
8 that Kenneth H. Hoover voided these two reports and
9 recommendations.

10 MS. FORBES: What is your question, sir?
11 He told you the ideas were not voided. That's his
12 testimony. What's your question?

13 BY MR. LEE:

14 Q. Okay. You say the ideas were not voided --
15 voided? The --

16 A. Right. Two years later they started to put
17 together the biological group.

18 Q. I -- I didn't find any more voided ones in here
19 signed by him. It may be when we get copies we'll
20 have a chance to look at it more fully.

21 MS. FORBES: What is your question? You're
22 testifying. If you've got a question for
23 Dr. Rodgman, he's here to answer it. Please ask a
24 question; don't testify.

25 Q. Were there any other reports that you wrote that

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1 were voided by Kenneth H. Hoover?

2 A. Not that I remember. No, I don't think so.

3 Q. In this one I'm holding here, there's something
4 that has been cut off. What is that?

5 A. Oh, I think I had a tab stuck on there, and when
6 I put it in --

7 MS. FORBES: You know how they dry up? You
8 can see from the -- the notebook there's lots of
9 tabs.

10 A. And I think originally I had tabs on the page --
11 first page and I didn't like that because they kept
12 coming off, so I put the dividers in and I cut that
13 tab off. That's all it was.

14 Q. Yeah. Okay. I won't attempt to go in any more
15 of those for the time being. We're going to get a
16 copy of them. I'll put them back over here.

17 Now the RDM, 1963, Number 4 then that was --
18 this is my work copy. I'm going to say 1963, Number
19 4, that was voided contains language that is not only
20 you cite some citations, but you also -- and this is
21 just a copy, oh, this is my copy -- you also make
22 statements that's not -- doesn't have any citations,
23 which I assume is your language.

24 MS. FORBES: Objection to the form.

25 Mr. Lee, what document are you examining from?

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1 MR. LEE: I'm referring to document -- I
2 believe it came in as 1061 in --

3 MS. FORBES: Do you have a --

4 MR. LEE: -- these.

5 MS. FORBES: Do you have a copy?

6 MR. LEE: Well it's already come in.

7 MS. FORBES: Do you have a copy for the
8 witness so he can refer to it?

9 MR. LEE: Yes.

10 MS. FORBES: You're paging through it.

11 MR. LEE: Pull 1061, I believe it is, out
12 of there. It's this one. It will be on down at the
13 bottom.

14 MR. BLANCATO: Is that the 1962 report that
15 was put in this morning?

16 MR. LEE: It was. It was the longer one
17 of -- of the two.

18 MR. BLANCATO: Alan, here's a copy of it.

19 THE WITNESS: Oh, okay.

20 BY MR. LEE:

21 Q. Well looking over at page 13 of that report, it
22 mentions those cases that we're talking about or not
23 all of them but some of them; that is, it would be
24 Lartigue and Pritchard and Greene cases. Now you say
25 that only -- of those, that Lartigue is the only one

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1 that you think that you were consulted on of those
2 three?

3 A. That was the only one involving Reynolds.

4 Q. Okay. And now we have asked for when we say on
5 page 13 there "Some of the findings have been
6 published" and "However, much" remains --

7 A. Where are you reading?

8 Q. In the middle part of the page.

9 A. Oh, yeah, right.

10 Q. "However, much data remain unpublished because
11 they are concerned with carcinogenic or" carcinogenic
12 "compounds," and then those citations that's geared,
13 will those be in these two boxes that I'm talking
14 about; that is, the 23, 47, 48, those citations?

15 A. I have to look here. Well 18, 19, 20.

16 Q. Well 23 is Cundiff's report. That was an RDR,
17 1961.

18 A. My -- I thought we had settled this, the list
19 of --

20 MR. BLANCATO: No, no. The --

21 Q. I don't know. I'm just asking if that would --

22 A. The things -- the things in those boxes, sir,
23 are -- got "Alan Rodgman" on it. Now if it's got
24 "Bob Cundiff," I don't have it.

25 Q. Uh-huh.

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1 A. If it's got somebody else --

2 Q. That again, that would be in the Reynolds

3 library, though, would it not?

4 A. Yes, and I believe everybody and his brother has
5 been given everything from Reynolds.

6 Q. And 47 is Latimer. "The Determination of Phenol
7 in Cigarette Smoke" is another RDR?

8 MS. FORBES: Is that your question? Is --

9 MR. LEE: Yeah.

10 Q. My question is, is -- is: Where are those
11 located? Those are the things --

12 A. Those are in the library.

13 Q. Yeah, okay. So there's some 16 of them, if I've
14 counted them right. Some of them are authored by
15 you.

16 A. You have all the ones authored by me.

17 Q. Yeah.

18 A. And you've also got the publications that some
19 of these refer to that -- you've got the RDR, the
20 publication, in some instance the publication of the
21 con -- conference.

22 Q. Did you ever --

23 Did you ever bring up that question again; that
24 is, the question that you asked in this RDR -- RDM of
25 1963, Number 4?

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1 A. Which question, sir?

2 Q. Of, in the middle of the page, "If a tobacco
3 company plead 'Not guilty' or 'Not proven'" -- do you
4 follow me there?

5 A. Yes.

6 Q. So just read that to me and put in your
7 footnote, "If a tobacco company plead 'Not guilty' or
8 'Not proven'"

9 MS. FORBES: What is your question,
10 Mr. Lee?

11 Q. My question is: Read that, and then I'll ask if
12 you have raised that again is -- is my question.
13 Just read the question. "If a tobacco company plead
14 'Not guilty' or 'Not proven,'" as in Lartigue versus
15 Reynolds, you read it. I'm not going to -- I -- I
16 was preferring you to read it, if you could.

17 A. I'm reading it, fine.

18 Q. Okay. Read it aloud.

19 A. Why?

20 Q. Why?

21 A. Yeah.

22 MS. FORBES: You want him to read that?
23 You want him to read the question. Go ahead and read
24 it. Apparently he wants you to read the language.
25 Q. Yeah, if you would.

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1 A. "If a tobacco company plead 'Not guilty' or 'Not
2 proven'; for example, in the Lartigue versus
3 Reynolds and the Liggett & Myers Tobacco Company,
4 Greene versus American and Pritchard versus Liggett &
5 Myers Tobacco Company, "to the charge that cigarette
6 smoke (or one of its constituents) is an etiological
7 factor in the causation of lung cancer or some other
8 disease, can the company" justify -- "justifiably
9 assume the position that publication of data
10 pertaining to cigarette smoke composition or
11 physiological properties should be withheld because
12 such data might affect adversely the company's
13 economic status when the company has already implied
14 in its plea that no such etiological effect exists?"
15 Q. Now did you raise that question anytime after --
16 A. I raised it for my whole career.
17 Q. All right. And that's what I was going to ask
18 you. Did you discuss with -- was -- would it be
19 Dr. Hoover?
20 A. Mr. Hoover.
21 Q. Dr. Hoover?
22 A. Right.
23 Q. Did you ask him why he voided this research
24 department memorandum?
25 MS. FORBES: Objection to the form.

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1 A. You didn't discuss things like that with
2 Mr. Hoover. He just said not approved, and I'll
3 tell -- let me give you a bit of background, if I
4 may.

5 Q. On Hoover or this question?

6 A. On this report.

7 Q. Okay. It's -- it's got -- we've read --

8 A. This is a rough draft, as you can see.

9 Q. It's a second draft, is it not?

10 MS. FORBES: Objection. Would you let --
11 let Mr. Rodg -- let Dr. Rodgman complete his answer.
12 Okay?

13 A. There are two reports. They're different.

14 Q. But both of them are voided?

15 MS. FORBES: Objection to form.

16 A. Both of them are voided. One is a very simple
17 version of a very long report, which I thought when
18 Mr. Hoover, if he likes it, he'll show that to
19 management. The long one, as you notice, is
20 annotated.

21 Q. 26 pages, 121 annotations?

22 A. Right. The other one's five or six. Now most
23 CEOs and whatever do not like reading 26-page things,
24 and he refused to allow it to issue. And my copy,
25 which is what you have here, was sitting on his desk

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1 with the final copy. He said, "I'm not going to let
2 this issue," and I bent over and picked up my copies
3 and said, "Okay. These are still mine." And that's
4 how they happened to be in the files.

5 And my feeling, sir, if you really want an
6 answer, is he was a little upset that I was really
7 trying to tell him how to do his job.

8 Q. Well he was not the bench research chemist that
9 you were, was he?

10 A. No. He was the director of research.

11 Q. And what was his background?

12 A. I have no --

13 Q. He wasn't a chemist?

14 A. He was a chemical engineer, I believe.

15 Q. Well he was not the bench research chemist --
16 chemist that you were, was he?

17 A. No, but he was the boss. I mean, let's be
18 reasonable, Mr. Lee.

19 Q. Yeah.

20 A. I mean, if the man says, "I am not going to
21 issue this report," what do you say? Do I quit? I
22 picked up my reports and walked out.

23 Q. Well, and the report is not only thorough, it's
24 very thorough, discussing not only your
25 recommendations, but it discussed the evidence. It

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1 discusses epidemiological data. It discusses --

2 A. Well, sir, anytime you prepare a report, if you
3 do it right, as I told -- told you before, in the
4 scientific method, you point out what's in the
5 literature. It doesn't necessarily mean you agree or
6 disagree with it. You put in the background.

7 And if you read this in the right light, what I
8 am trying to do is convince management to get a
9 biological section and to publish what we had; that
10 we were very noteworthy in terms of our chemical
11 expertise. People talked about Reynolds' expertise
12 in chemistry, and I wanted to do the same with
13 biology, and about six or seven things that we had
14 done in chemistry proved that the people who were
15 making claims against us were flat wrong.

16 Q. Well it was important in the cigarette design
17 aspect of designing a less-haz -- less-hazardous
18 cigarette to do what you're recommending, was it
19 not?

20 A. Well we did design less-hazardous cigarettes
21 according to the definition of a less-hazardous
22 cigarette put forth by Dr. Wynder.

23 Q. Now, on page seven -- let's flip over to page
24 seven -- when you say on page seven that the
25 evidence -- "Obviously the amount of evidence

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1 accumulated to indict cigarette smoke as a health
2 hazard is overwhelming," that's even much more so
3 today, is it not?

4 A. No, because I think we've got some contradictory
5 data. At this point in time, you know, for every
6 paper that -- every ten papers that you might have
7 indicting cigarette smoke, you might have one with
8 contrary and contradicting data, and that was my
9 whole point. "We're sitting here getting our head
10 punched off. Let's answer to this stuff."

11 I'm sure you've been in a legal case where the
12 other side may have a lot more evidence than you have
13 to counteract them, and you might say, "Gee, the
14 evidence against us is overwhelming."

15 Q. Well if I suggested to you that there's 50,000
16 medical and scientific articles today that suggest
17 the same thing that you were saying 35 years ago,
18 would you agree or disagree with that?

19 A. All I'm doing in that, sir, is reporting what
20 was said. May I make a point about that? You -- you
21 waived around this thing. We have a study on that
22 book.

23 Q. That is the 1982 Surgeon General's report?

24 A. Now you may not believe this about the Surgeon
25 General and his staff, but there are

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1 300-and-something-plus references that were not
2 included in that book that contradict what's in that
3 book that were written -- written within three years
4 of the publication of that book. Now what kind of a
5 book is it that will leave out references or --
6 references to work that contradict their premises?
7 Q. Well he leads off; that is, Everett Koop leads
8 off, in the preface "In July" of "1957, Dr. Leroy ...
9 Burney issued the Public Health Service's first
10 statement on cigarette smoking: It identified
11 smoking as a cause of lung cancer." Do you remember
12 that?

13 A. Well Burney said it, Koop said it. But you
14 still didn't respond to my comment that there are
15 250, 300 references that are not in that book that
16 should be in it.

17 Q. This was a report that -- that you helped RJR
18 prepare that response?

19 A. No, I didn't. Somebody on the staff did it.

20 MS. FORBES: Mr. Lee, I'm going to suggest
21 it's 5 o'clock. We've had a long two days. Who's
22 answering questions and who's questioning is getting
23 a little confused. Why don't we go ahead and end,
24 continue and --

25 MR. LEE: Another five minutes and stop at

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1 5.

2 MR. BLANCATO: Okay.

3 BY MR. LEE:

4 Q. Now when you also quote in here that the
5 majority of the -- of these studies incriminates
6 cigarette smoke from a health standpoint on page one,
7 that's even more so today, is it not?

8 MS. FORBES: Objection to the form. If you
9 understand the question.

10 Q. Do you understand the question?

11 A. Here again, you're reading into a statement
12 there what is, as I pointed out, "Here is what's in
13 the literature." It doesn't say I agree with it. It
14 doesn't say I disagree with it. It doesn't say the
15 company agrees with it. It doesn't say the evidence
16 is right, and in many instances the evidence is
17 wrong. But we had -- what I wanted to do was respond
18 to some of this stuff.

19 Q. Well you say on page seven that "Cigarette smoke
20 also contains various promoting (or cocarcinogenic)
21 agents like the phenols and the fatty acids." Now
22 that's not footnoted or anything. That's just your
23 statement. Do you remember that?

24 A. Well that's what had been reported in the
25 literature that they were promoting, and for example,

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1 there's a good case of what is wrong. Wynder and
2 Hoffmann had said the promoters were in cigarette
3 smoke, but when they took the promoters out, what
4 happened? Nothing.

5 I know you're not paying attention.

6 Q. I'm listening to you. You say -- you're talking
7 about Dr. Hoffmann. You disagree with Hoffmann, I
8 take it.

9 A. Well I'm -- no, I'm agreeing with Dr. Hoffmann.
10 He had said such and such a compound is a promoter.
11 Do you understand that?

12 Q. I --

13 A. Then he said, "When we took that compound out,
14 there was no change in the effect, biological effect,
15 of the smoke." So what kind of a promoter is one
16 that doesn't promote?

17 Q. All right. You -- you disagree with some of
18 the -- well let me just ask you this: In the section
19 on interpretation of the evidence -- and I've got to
20 look right fast where that one is -- that you say
21 "After reviewing this evidence, many" government,
22 "health agencies and medical societies throughout
23 the world ... concluded that it was sufficient to
24 establish a cause-and-effect relationship between
25 cigarette" smoke "and cancer of the lung." Do you

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1 remember that statement?

2 A. Well that's what they concluded, and you cannot
3 prove cause and effect with statistics.

4 Q. And that was the American College of
5 Physicians?

6 A. Right.

7 Q. That was a British Minister of Health? Do you
8 need to refer to the --

9 A. No. Anybody who says you can prove cause and
10 effect with statistics is wrong.

11 Q. The British Medical Council?

12 MS. FORBES: What is your question?

13 MR. LEE: My question is -- or I can have
14 him read them. He prefers not to read them, it
15 sounds like.

16 Q. What all -- how many government agencies
17 throughout the world did you list on here of
18 referring that they have concluded that there is the
19 cause and effect between cigarette smoke and cancer
20 of the lungs? Let me just ask you if -- you've
21 already agreed the American College of -- of Chest
22 Physicians, the British Minister of Health, the
23 British Medical Council. The Danish, Joint
24 Commission of the Danish, remember that?

25 MS. FORBES: Mr. Lee, what is -- what is

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1 your question?

2 MR. BLANCATO: Object to form.

3 A. As I said before, sir, they said it was cause
4 and effect, but they were relying on statistics that
5 showed an association.

6 MR. LEE: I'm asking -- the question is
7 does he agree that he says in this article that
8 those --

9 A. I'm reporting what they said.

10 MR. BLANCATO: Wait, wait, wait, wait. Let
11 him finish his question.

12 MR. LEE: Uh-huh. My question is, that I
13 was reading him until I was interrupted, the ones
14 that you say say that there is the cigarette smoke
15 and cancer of the lung cause and effect.

16 BY MR. LEE:

17 Q. The next one is the National Cancer Institute of
18 Canada.

19 A. Uh-huh.

20 Q. The next one was the Netherlands Minister of --
21 of, oh, Medical Studies or something. Do you
22 remember that?

23 A. I don't remember all of them, but I said they
24 all suffered from the same problem. They were
25 converting from an association to cause-effect that

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1 you cannot do.

2 Q. And you cite also the 1957 smoking-health
3 article, the U.S. Public of Health Service. Do you
4 remember that?

5 A. I've answered the question three times, sir.

6 Q. And then also the World Health Organization.
7 What is the World Health Organization?

8 A. What it says, the World Health Organization.

9 MR. BLANCATO: Mr. Lee, my watch shows a
10 couple minutes past 5, if we could go ahead and wrap
11 up.

12 MS. FORBES: I think this is a good place.

13 Q. Every Surgeon General since 1964 has likewise
14 said and stated the same thing through their annual
15 reports to the President and to Congress, have they
16 not?

17 MS. FORBES: Objection to the form.

18 MR. BLANCATO: Objection.

19 Q. Do you understand my question? It's my last one
20 for the day.

21 A. Yes, and I don't believe the '64 Surgeon General
22 did.

23 Q. Said that there was -- that there was a
24 causation between cigarette smoking and cancer of the
25 lung?

1 A. He called it an association, I believe. He had
2 pages and pages of trying to convince people that
3 association was cause and effect, which is totally
4 wrong.

5 MR. LEE: Okay. We'll pick up at the next
6 assigned date.

7 THE REPORTER: Off the record, please.

8 (Deposition recessed at 4:59 o'clock
9 p.m.)

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1 C E R T I F I C A T E

2 I, William C. LaBorde, hereby certify that
3 I am qualified as a verbatim shorthand reporter; that
4 I took in stenographic shorthand the testimony of
5 ALAN RODGMAN at the time and place aforesaid; and
6 that the foregoing transcript consisting of pages 468
7 through 518, Volume III, is a true and correct, full
8 and complete transcription of said shorthand notes,
9 to the best of my ability.

10 Dated at Winston-Salem, North Carolina,
11 this 13th day of June 1997.

12

13

14

15 WILLIAM C. LaBORDE

16 Registered Professional Reporter

17 Notary Public

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1 C E R T I F I C A T E

2 I, ALAN RODGMAN, the deponent, hereby
3 certify that I have read the foregoing transcript
4 consisting of pages 468 through 518, Volume III, and
5 that said transcript is a true and correct, full and
6 complete transcription of my deposition, except per
7 the attached corrections, if any.

8

9 (Please check one.)

10

11 ____ Yes, changes were made per the attached
12 (no.) ____ pages.

13

14 ____ No changes were made.

15

16

17 ALAN RODGMAN

18 Deponent

19

20 Sworn and subscribed to before me this day
21 of 199__.

22

23

24 Notary Public

25 My commission expires: (WCL)

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